

JUSTIN X. WANG (CSB #166183)
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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Nolan Wai-Yip DUONG,
and Amber Yi SHAO

Plaintiffs

vs.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security;
ROBERT S. MUELLER, Director of Federal
Bureau of Investigation

Defendants.

Case No.: C 07-3018 JW

**PARTIES' JOINT REQUEST TO BE
EXEMPT FROM FORMAL ADR
PROCESS**

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site www.adr.cand.uscourts.gov, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to plaintiffs' request that this Court compel defendants to adjudicate their applications for adjustment of status. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax court resources.

Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that they be excused from participating in the ADR phone conference and any further formal ADR process.

Dated: September 10 , 2007

Respectfully submitted,
BAUGHMAN & WANG

/s/
JUSTIN X. WANG
Attorneys for Plaintiff

Dated: September 10, 2007

SCOTT N. SCHOOLS
United States Attorney

/s/
ILA C. DEISS
Assistant United States Attorney
Attorneys for Defendants

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date: _____

JAMES WARE

United States District Judge